

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
BILLINGS DIVISION

ASHLEY DAWN CHESMORE,

Plaintiff,

vs.

CPS; SCOTT D. TWITO; SCOTT J.
PEDERSON; AUSTIN KNUDSEN;
KATIE F. SCHULZ; MICHAEL P.
SINKS,

Defendants.

CV 21-49-BLG-SPW

ORDER ADOPTING
MAGISTRATE'S FINDINGS
AND RECOMMENDATIONS

The United States Magistrate Judge filed Findings and Recommendations on Chesmore's failure to state a ground upon which relief can be granted. (Doc. 13).

The Magistrate recommended that the action be dismissed because Chesmore could not show that she was deprived of due process before her parental rights were terminated and therefore did not present a colorable claim. (Doc. 13 at 5-12).

The Magistrate also recommended that the Court certify that any appeal of this decision would not be taken in good faith. (Doc. 13 at 12-13).

Pursuant to 28 U.S.C. § 636(b)(1), parties are required to file written objections within 14 days of the filing of the Magistrate's Findings and Recommendation. No objections were filed. When neither party objects, this


Court reviews the Magistrate's Findings and Recommendation for clear error.

McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc., 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000). After reviewing the Findings and Recommendation, this Court does not find that the Magistrate committed clear error.

IT IS ORDERED that the proposed Findings and Recommendations entered by the United States Magistrate Judge (Doc. 13) are ADOPTED IN FULL.

IT IS FURTHER ORDERED that this matter is DISMISSED with prejudice. The Clerk of Court shall enter judgment against Plaintiff and have the docket reflect that, pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure, that any appeal of this decision will not be taken in good faith.

DATED this 23rd day of August, 2022.



SUSAN P. WATTERS
United States District Judge